

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas W. Hagler

Title: Method and Apparatus for Spectrum Analysis and Encoder

Application No.: 09/869,371

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Examiner: Zandra V. Smith

Group Art Unit: 2877

Attorney Docket No. SPEC.001US4

Conf. No.: 2871

San Francisco, California
February 17, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PATENT**

Sir:

Petitioner, Advanced Photometrics, Inc., a State of California corporation having a place of business at 345 Crown Point Circle, Grass Valley, CA 95945 is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,338,794.

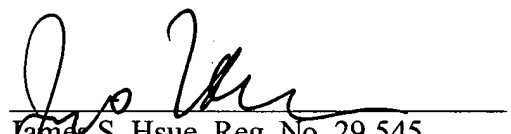
Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In compliance with 37 C.F.R. § 1.20(d), a check is enclosed that includes the amount of \$55.00, as set forth in the enclosed transmittal letter.

The undersigned represents that he/she is authorized to sign on behalf of
Petitioner.



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